

Bills have carefully examined and compared:

Senate Bill No. 287, A bill to be entitled "An Act to adopt and establish a 'Penal Code' and a 'Code of Criminal Procedure' for the State of Texas."

And find the same correctly engrossed, in accordance with a Simple Resolution this day adopted by the Senate.

COFER, Chairman.

✓ Committee Room.

Austin, Texas, Feb. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir Your Committee on Engrossed Bills have carefully examined and compared:

Senate Bill No. 288, A bill to be entitled "An Act to adopt and establish the 'Revised Civil Statutes of the State of Texas,' and declaring an emergency."

And find the same correctly engrossed, in accordance with a Simple Resolution this day adopted by the Senate.

COFER, Chairman.

PETITIONS AND MEMORIALS.

By Senator Greer:

Petition numerously signed by citizens of Camp county, asking support of legislation authorizing consolidation between the St. Louis Southwestern Railway Company of Texas, the Eastern Texas Railroad Company and the Stephenville North and South Texas Railway Company, and that the bill be passed without amendments requiring further extension.

By Senator Murray:

Petition numerously signed by citizens of Goliad and Refugio counties, expressing approval of his favorable attitude toward the passage of Senate bill No. 230, known as the Harbor Island bill, and urging its passage.

THIRTY-THIRD DAY.

Senate Chamber.

Austin, Texas,

Tuesday, February 28, 1911.

The Senate met pursuant to adjournment and was called to order by Lieutenant Governor Davidson.

Roll call, quorum being present,

the following Senators answering to their names:

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
McNealus.	Weinert.
Meachum.	Willacy.
Murray.	

Prayer by Rev. Dr. Bradfield of Austin.

Pending the reading of the Journal of yesterday, on motion of Senator Perkins, the same was dispensed with.

EXCUSED.

On account of sickness in family: Senator Mayfield for yesterday, on motion of Senator Cofer.

BILLS AND RESOLUTIONS.

By Senator Collins (by request):

Senate bill No. 326, A bill to be entitled "An Act to authorize the commissioners court of any county in Texas to cause to be made a topographical survey of all lands within the boundaries of any such county, and to compile a correct topographical map thereof, and place the same of record for public use in the establishment of drainage districts, valuation of lands and the assessment thereof, construction of public roads and bridges, and other public and private purposes, and to employ civil engineer or engineers and other employes to make such survey and maps, and to pay the expense of such surveys and maps and the record thereof out of the general fund of such county, and repealing all laws and parts of laws in conflict herewith."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Hudspeth:

Senate bill No. 327, A bill to be entitled "An Act to repeal Chapter 13, Acts of the Thirtieth Legislature, First Called Session, entitled 'An Act to

amend an Act passed at the Regular Session of the Thirtieth Legislature, entitled An Act to provide for a board to calculate the ad valorem rate of taxes for State purposes each year, and to prescribe the duties of such board and certain duties of the tax assessors of the various counties in this State; providing that said board shall also calculate the ad valorem rate of taxes for public free school purposes, and also authorizing the commissioners court of the several counties in this State, to calculate the rate and to adjust the taxes levied in the several counties or portions thereof, for general and special purposes to the taxable values as shown on the assessment rolls, approved May 16, 1907, and declaring an emergency.

Read first time and referred to Committee on Finance.

By Senator McNealus:

Senate bill No. 328, A bill to be entitled "An Act to authorize the commissioners' court of any county in this State to levy and collect a tax not to exceed five cents (5c) on each \$100 of assessed valuation of the county for one year for the purchase and improvement of lands for county parks, and providing the manner of acquiring lands for park purposes, including the right to condemn lands for such purposes, and providing for the management and control of said county parks, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Meachum (by request):

Senate bill No. 329, A bill to be entitled "An Act to amend an Act entitled 'An Act to amend Article 4785a, Chapter 6, Title 97 of the Revised Civil Statutes of the State of Texas,' passed by the Twenty-seventh Legislature of said State, so as to place Walker county under the operation of the law creating the office of road Superintendent, and to declare an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Meachum:

Senate bill No. 330, A bill to be entitled "An Act to amend Section 18 of an Act entitled 'An Act to

provide a more efficient public road system for the county of Montgomery,' passed by the Twenty-seventh Legislature of the State of Texas, approved April 15, 1901, prescribing the compensation of county commissioners when acting as road commissioners in said county, and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Ward:

Senate bill No. 331, A bill to be entitled "An Act to grant a special charter to the city of Hillsboro, Hill county, Texas, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

SENATE CONCURRENT RESOLUTION NO. 19.

By Senator Watson:

Resolved by the Senate, the House of Representatives concurring, that Senate bill No. 26 be recalled from the Governor's office for correction.

The resolution was read and adopted.

SENATE CONCURRENT RESOLUTION NO. 20.

By Senator Hudspeth:

Resolved by the Senate, the House of Representatives concurring, that House bill No. 142 be recalled from the Governor's office for correction.

The resolution was read and adopted.

SIMPLE RESOLUTION.

By Senator Cofer:

Whereas our beloved Chaplain, Brother Sears, has been compelled on account of illness to absent himself from the sessions of the Senate for several days and we miss his friendly voice, his cheery smile and his words of admonition, besides the helpful inspiration of his daily invocation for divine help and guidance; Therefore be it

Resolved by the Senate, That we extend to Brother Sears our sympathy in his affliction and let him know how much we miss him, and pray that his recovery may be speedy, and may he

have in this hour the consolation of the religion of which he is such a worthy exponent.

God bless and restore Brother Sears to us.

The resolution was read and unanimously adopted by a rising vote.

Morning call concluded.

SENATE JOINT RESOLUTION NO. 9.

On motion of Senator Townsend, the pending order of business (Senate substitute bill No. 71) was suspended, and the Senate took up, out of its order, Senate Joint Resolution No. 9, by unanimous consent.

The Chair laid before the Senate on third reading,

Senate Joint Resolution No. 9, to amend Section 51 of Article 3 of the Constitution of the State of Texas, so as to authorize the grant of aid to indigent and disabled Confederate soldiers and sailors and their widows, and to soldiers who served in the militia and in organizations for the protection of the frontier, and their indigent widows, and to grant aid for the establishment and maintenance of a home for the indigent and dependent wives and widows of Confederate soldiers and sailors, and such women as aided the Confederacy, and authorize a special ad valorem pension tax, and making appropriations for same.

The resolution was read third time, and Senator Townsend offered the following amendment:

Amend the bill on page 4, line 4, engrossed bill, by adding after the word "written," the words "or printed."

The amendment was read and adopted by the following vote:

Yeas—26.

Astin.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Johnson.	Terrell, Wise.
Kauffman.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Warren.
McNealus.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Absent.

Adams. Bryan.

Hume. Ward.
Meachum.

The resolution was finally passed by the following vote:

Yeas—27.

Astin.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Real.
Hudspeth.	Sturgeon.
Greer.	Terrell, McLennan.
Johnson.	Terrell, Wise.
Kauffman.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Warren.
McNealus.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Adams. Hume.
Bryan. Ward.

Senator Townsend moved to reconsider the vote by which the resolution was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO 178.

On motion of Senator Terrell of McLennan the pending order of business (Senate bill No. 71) was suspended, and the Senate took up, out of its order, Senate bill No. 178, by unanimous consent.

The Chair laid before the Senate, on second reading,

Senate bill No. 178, A bill to be entitled "An Act amending Chapter 12 of the Acts of the Thirty-first Legislature of the State of Texas, approved February 18, 1909, by adding thereto Sections 50a, 50b, 50c, and Sections 154b, 154c and 154d; providing for the establishment of common county line school districts, providing for the establishment of independent school districts, or school incorporation containing territory within two or more counties; also providing for the change and abolishment of such districts, and providing for the rights, powers, and privileges of such county line school districts, as well as the means and methods for the management and control of such school districts."

The bill was read second time and ordered engrossed.

SENATE BILL NO. 248.

On motion of Senator Willacy, the pending order of business (Senate bill No. 71) was suspended, and the Senate took up, out of its order, Senate bill No. 248, by unanimous consent.

The Chair laid before the Senate, on second reading,

Senate bill No. 248, A bill to be entitled "An Act to authorize the incorporation of casualty insurance companies and other kinds of insurance companies except life, fire, and marine insurance companies, and to regulate their organization and their method of doing business in this State, prescribing the powers and duties of the Commissioner of Insurance and Banking with reference to such companies; providing penalties for the violation of this Act, and declaring an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Willacy the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—30.

Adams.	Murray
Astin.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
McNealus.	Weinert.
Meachum.	Willacy.

Absent.

Real.

The bill was read third time and passed by the following vote:

Yeas—30.

Adams.	Cofer.
Astin.	Collins.
Bryan.	Greer.
Carter.	Hudspeth.

Hume.	Ratliff.
Johnson.	Sturgeon.
Kauffman.	Terrell, McLennan.
Lattimore.	Terrell, Wise.
Mayfield.	Townsend.
McNealus.	Vaughan.
Meachum.	Ward.
Murray.	Warren.
Paulus.	Watson.
Peeler.	Weinert.
Perkins.	Willacy.

Absent.

Real.

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, Feb. 28, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 526, A bill to be entitled "An Act to incorporate the city of Port Arthur, Jefferson county, Texas, and to grant it a new charter; to provide for a commission form of government; to define its powers and to prescribe its duties and liabilities; declaring an emergency, and repealing all laws in conflict herewith."

House bill No. 292, A bill to be entitled "An Act to amend Section 8 of Chapter 18 of the General Laws of the First Called Session of the Thirtieth Legislature and imposing an occupation tax upon fire, fire and marine, marine inland, and tornado insurance companies transacting business in this State, prescribing the rate of tax and methods of its measurement; and declaring an emergency."

Also adopted the report of the Free Conference Committee on Senate Bill No. 23.

Respectfully,

BOB BARKER,
Chief Clerk, House of Representatives

SENATE BILL NO. 11.

On motion of Senator Sturgeon the pending order of business (Senate bill No. 165), was suspended,

and the Senate took up, out of its order Senate bill No. 11, by unanimous consent.

The Chair laid before the Senate on second reading.

Senate bill No. 11, A bill to be entitled "An Act to provide for completing the work of revising, digesting, annotating, indexing, printing and publishing the civil and criminal laws of the State of Texas, making an appropriation, and declaring an emergency."

The bill was read and laid on the table subject to call.

SENATE BILL NO. 71.

The Chair laid before the Senate on second reading and special order.

Senate bill No. 71, A bill to be entitled "An Act regulating the sale of commercial fertilizers, prohibiting their adulteration or misbranding; providing for their correct weighing and marking, forbidding the use of certain materials, and providing for their collection and analysis of samples, statements of sales and shipments, the expenses of the enforcement of the law, fixing penalties for its violation, and repealing Chapter 48, Acts of 1899, and all other laws in conflict with this Act."

The bill having been read, Senator Astin offered the following amendment, which was read and adopted:

Amend line 12, page 1, by striking out "48 acts," and substitute "46 General Laws."

Senator Astin offered the following amendment, which was read and adopted:

Corrections of Errors.

Amend line 10, page 13, by inserting after "General Laws" the words "of 1899."

Amend by correcting spelling, other errors of printers as follows:

Page 3, line 12, substitute "analysis" for "analyses."

Page 3, line 24, substitute "and" for "anl."

Page 4, line 10, substitute "inspection" for "inpsction"

Page 6, line 24, insert "said" after "purchased."

Page 7, line 12, substitute "composition" for "compositions."

Page 8, line 19, insert a comma (,) after "deputy."

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Page 9, strike out line 18 and substitute "ceedings connected with such seizure and condemnation."

Page 9, line 25, substitute "be" for "b."

Page 9, line 26, substitute "more" for "moer."

Page 11, line 4, insert "the" after "that."

Page 11, line 28, substitute "refuse" for "erfuse."

Page 12, line 21, substitute "purchaser" for "purchased."

Page 12, line 19, after "tons" insert the following: "of 1899."

(Senator Peeler in the chair.)

The bill was read second time, and ordered engrossed.

Senator Astin moved to reconsider the vote by which the bill was ordered engrossed.

The motion was adopted.

SENATE BILL NO. 168.

On motion of Senator Cofer, the pending order of business (Senate bill No. 71), was suspended, and the Senate took up, out of its order, Senate bill No. 168, by unanimous consent.

The Chair laid before the Senate on third reading,

Senate bill No. 168, A bill to be entitled "An Act to establish our State Correspondence School as now endowed by Miss Cooke."

The bill was read third time and passed.

Senator Cofer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 71.

Action recurred on Senate bill No. 71, and Senator Astin offered the following amendment, which was read and adopted:

Amend the caption by adding the following: "and declaring an emergency."

Senator Astin offered the following amendment, which was read and adopted:

Amend the bill by adding a new section to read as follows:

The near approach of the end of the session and the importance of said bill creates an imperative public necessity that the constitutional rule

requiring bills to be read upon three several days be suspended and this Act take effect and be in force from and after its passage and it is so enacted.

Bill read second time, and ordered engrossed.

On motion of Senator Astin, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—30.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Hume.

The bill was read third time, and passed by the following vote:

Yeas—29.

Adams.	Peeler.
Astin.	Perkins.
Bryan.	Ratliff.
Carter.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Cofer. Hume.

Senator Astin moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 232.

On motion of Senator Johnson, the pending order of business (Senate bill No. 165) was suspended, and the Senate took up, out of its order, Senate bill No. 232, by unanimous consent.

The Chair laid before the Senate, on second reading,

Senate bill No. 232, A bill to be entitled "An Act to amend Article 941, as amended by the Act of April 30, 1901, of the Revised Civil Statutes of Texas, defining the original and appellate jurisdiction of the Supreme Court, and to provide for disposition of the causes now pending therein, and declaring an emergency."

On motion of Senator Johnson, the bill was made a special order for tomorrow morning, following consideration of the other special orders.

(President Pro Tem. Hudspeth in the chair.)

SENATE BILL NO. 111.

Senator Murray moved that the pending order of business (Senate bill No. 165) be suspended, and the Senate take up, out of its order, Senate bill No. 111, for the purpose of making it a special order for Monday.

EXECUTIVE SESSION.

The Chair here announced that the hour, 11:30 o'clock, had arrived, said hour having previously been designated for the Senate to sit in executive session to consider appointments by the Governor, and the Senate accordingly proceeded to executive session.

In executive session the following confirmations were made:

To be Regent of the University of Texas: Jos. B. Dibrell.

To be members of the State Board of Pharmacy: W. F. Robertson and H. V. Schumann.

To be members of the Board of Nurse Examiners: Miss Maud Mueller and Miss Lucy Brunson.

To be a member of the State Mining Board: William Wimberley.

IN THE SENATE.

BILLS READ AND REFERRED.

The Chair (President Pro. Tem.

Hudspeth) had referred, after their captions had been read, the following House bills:

House bill No. 526, referred to Committee on Towns and City Corporations.

House bill No. 292, referred to Committee on Insurance, Statistics and History.

(Senator Peeler in the chair.)

SENATE CONCURRENT RESOLUTION NO. 21.

By Senator Collins:
Senate Concurrent Resolution No. 21:

Whereas, the Society of the Colonial Dames of America in the State of Texas, desiring to preserve the names of the officers of the United States Army, who assisted Texas, and who fell in the war with Mexico, has presented to the State of Texas a bronze memorial tablet,

Therefore, Resolved by the Senate, the House concurring, That said gift is hereby formally accepted, and that the position given and now occupied by said tablet on the walls of the Capitol is hereby ratified.

The resolution was read and adopted.

(Lieutenant Governor Davidson in the chair.)

SENATE BILL NO. 111.

Action recurred on the motion by Senator Murray to suspend the pending business and take up Senate bill No. 111 for the purpose of making it a special order.

Pending discussion Senator Murray asked unanimous consent for Land Commissioner Robinson to be allowed to explain certain features of the bill proposed to be taken up, but there was objection.

Senator Murray then moved that the Senate resolve itself into a committee of the whole to consider Senate bill No. 111.

Senator Mayfield moved that the Senate recess until 3 o'clock today.

The motion was lost by the following vote:

Yeas—8.

Bryan.	Ratliff.
Greer.	Sturgeon.
Mayfield.	Terrell, Wise.
Paulus.	Townsend.

Nays—22.

Adams.	Meachum.
Astin.	Murray.
Carter.	Peeler.
Cofer.	Real.
Collins.	Terrell, McLennan.
Hudspeth.	Vaughan.
Hume.	Ward.
Johnson.	Warren.
Kauffman.	Watson.
Lattimore.	Weinert.
McNealus.	Willacy.

Absent.

Perkins.

Action then recurred on the motion for the Senate to resolve itself into a committee of the whole.

Pending further discussion Senator Murray withdrew the motion for the Senate to resolve itself into a committee of the whole and action recurred on the motion to suspend the pending business and take up Senate bill No. 111 for the purpose of making it a special order.

(Senator Peeler in the chair.)

SECOND HOUSE MESSAGE.

Hall of the House of Representatives.
Austin, Texas, Feb. 28, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted Senate Concurrent Resolution No. 19, requesting the Governor to return Senate bill No. 26 for correction.

Senate Concurrent Resolution No. 20, requesting the governor to return House bill No. 142 for correction.

Does not concur in Senate amendment to House bill No. 401 and request the appointment of a Free Conference Committee. The following have been appointed on part of the House: Messrs. Campbell, Wood, Singleton, Cureton and Schluter.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives

RECESS.

On motion of Senator Sturgeon, the Senate, at 12:40 o'clock p. m., recessed until 3 o'clock today.

AFTER RECESS.

The Senate was called to order by President Pro Tem. Hudspeth.

HOUSE BILL NO. 381.

(By Unanimous Consent.)

The Chair laid before the Senate on second reading,

House bill No. 381, A bill to be entitled "An Act to amend Section 1 of Chapter 3 of an Act passed at the First Called Session of the Twenty-second Legislature, entitled 'An Act to organize and establish the Twenty-first Judicial District, to fix the time of holding court therein, and to repeal all laws and parts of laws in conflict therewith, and to change the time of holding the terms of the district court of Bastrop county and conform the issuance, service and return of process from said court to such change,' and to repeal all laws and parts of laws in conflict herewith."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Watson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Adams.	Paulus.
Astin.	Peeler.
Carter.	Perkins.
Collins.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Hume.	Townsend.
Lattimore.	Warren.
McNealus.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Bryan.	Ratliff.
Cofer.	Terrell, Wise.
Johnson.	Vaughan.
Kauffman.	Ward.
Mayfield.	

The bill was read third time and passed by the following vote:

Yeas—28.

Adams.	Carter.
Astin.	Cofer.
Bryan.	Collins.

Greer.	Ratliff.
Hudspeth.	Real.
Hume.	Sturgeon.
Johnson.	Terrell, McLennan.
Lattimore.	Terrell, Wise.
Mayfield.	Townsend.
Meachum.	Vaughan.
Murray.	Ward.
Paulus.	Warren.
Peeler.	Watson.
Perkins.	Willacy.

Absent.

Kauffman.	Weinert.
McNealus.	

Senator Watson moved to reconsider the vote by which the bill was passed, and lay that motion on the table. The motion to table prevailed.

SENATE BILL NO. 142—HOUSE AMENDMENTS CONCURRED IN.

Senator Carter called up

Senate bill No. 142, A bill to be entitled "An Act to diminish the civil jurisdiction of the County Court of Harrison county, to conform to the jurisdiction of the District Court thereof, and to repeal all laws in conflict herewith, and declaring an emergency."

With the following House amendments:

Amend Senate bill No. 142, page 2, line 1, by inserting after the word "county" the word "shall."

On motion of Senator Carter, the above House amendment was concurred in.

HOUSE BILL NO. 428.

(By unanimous consent.)

The Chair laid before the Senate on third reading,

House bill No. 428, A bill to be entitled "An Act to authorize and empower county commissioners' precincts or any defined subdivision thereof of Burnet county, Texas, to determine by vote of the resident qualified tax paying voters of any county commissioners' precinct or any defined subdivision thereof of said county whether or not the bonds of any such county commissioners."

The bill was read third time and passed by the following vote:

Yeas—28.

Adams.	Astin.
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Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Johnson.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
McNealus.	Warren.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Absent.

Hume.	Real.
Kauffman.	

Senator Peeler moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 302.

(By unanimous consent.)

The Chair laid before the Senate on third reading,

House bill No. 302, A bill to be entitled "An Act creating the Oak Alla Independent School District in Burnet county, Texas, defining its metes and bounds, providing for a board of trustees therefor, vesting it with the rights and duties of districts incorporated for school purposes only, under the General Laws, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—28.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell, McLennan.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Hume.	Real.
Kauffman.	

Senator Peeler moved to reconsider

the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 254.

(By unanimous consent.)

The Chair laid before the Senate on third reading,

House bill No. 254, A bill to be entitled "An Act amending Sections 6 and 7 of An Act passed by the Regular Session of the Thirty-first Legislature, entitled 'An Act to repeal Chapter 31 of the Local and Special Laws of the Thirtieth Legislature of Texas, creating a special road system for Williamson county, Texas, and approved March 20,' and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—29.

Adams.	Peeler.
Astin.	Perkins.
Bryan.	Ratliff.
Carter.	Real.
Cofer.	Sturgeon.
Collins.	Terrell, McLennan.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Hume.	Kauffman.
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Senator Peeler moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 187.

(By unanimous consent.)

The Chair laid before the Senate on third reading,

Senate bill No. 187, A bill to be entitled "An Act to amend Chapter 42 of the Acts of the Thirtieth Legislature, by adding thereto Section 2a, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—24.

Adams.	Murray.
Astin.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Hudspeth.	Real.
Hume.	Terrell, Wise.
Johnson.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
McNealus.	Weinert.
Meachum.	Willacy.

Nays—6.

Collins.	Terrell, McLennan.
Greer.	Townsend.
Sturgeon.	Vaughan.

Absent.

Kauffman.

Senator McNealus moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 221.

(By Unanimous Consent.)

The Chair laid before the Senate on third reading,

Senate bill No. 221, A bill to be entitled "An Act authorizing and directing the Governor of the State of Texas to convey to the Texas District of the German Evangelical Synod of North America about three acres of land out of original survey 25 in the name of Anselmo Galvan, about five miles south of the city of San Antonio, in Bexar county, Texas; also about nine 6-10 acres of land out of survey 36 in the name of William Small, about five miles south of the city of San Antonio in Bexar county, Texas, said conveyance of land to be made on the condition that the grantee and its assigns shall for all times use the above described property as an asylum, institution or home for the care of widows, orphans and old people, and for the erection of schools, colleges or hospitals, and upon the further condition that this property is never to be given as security for a debt, and shall never be taken for a debt, and that if grantee or its assigns should fail to so use said property, fee simple title thereto shall revert to the State of Texas."

The bill was read third time and passed.

Senator Weinert moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 372.

(By Unanimous Consent.)

The Chair laid before the Senate on second reading,

House bill No. 372, A bill to be entitled "An Act to create a more efficient road system for Anderson county, Texas."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

FREE CONFERENCE COMMITTEE.

By Senator Watson:

I move that the Senate do not concur in House amendments to Senate bill No. 43, and that the following be elected as a Free Conference Committee upon said bill: Murray, Collins, Meachum, Sturgeon and Astin.

The above motion was adopted.

HOUSE BIL NO. 253.

(By Unanimous Consent.)

The Chair laid before the Senate on second reading,

House bill No. 253, A bill to be entitled "An Act amending the special road laws in force in Smith county, Texas."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Adams.	Collins.
Astin.	Greer.
Bryan.	Hudspeth.
Carter.	Hume.
Cofer.	Johnson.

Lattimore.	Sturgeon.
Mayfield.	Terrell, Wise.
McNealus.	Townsend.
Meachum.	Vaughan.
Murray.	Ward.
Paulus.	Warren.
Peeler.	Watson.
Perkins.	Weinert.
Ratliff.	Willacy.
Real.	

Absent.

Kauffman. Terrell, McLennan.

The bill was read third time and passed by the following vote:

Yeas—29.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Hume.	Vaughan.
Johnson.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
McNealus.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Kauffman. Terrell, McLennan.

Senator Greer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed

FREE CONFERENCE COMMITTEE.

By Senator Lattimore:

I move that Senate do not concur in House Amendments to Senate bill No. 31, and that the following Free Conference Committee be appointed: Hudspeth, Townsend, Ratliff, Warren and Bryan.

The above was read and adopted.

RESOLUTION.

By Senator Johnson, by unanimous consent:

Whereas, It has come to our knowledge that Col. G. W. Brackenridge has presented to the Governor of this State his resignation as a member of the Board of Regents of the University of Texas; and,

Whereas, He has served with great ability and distinction upon this board for more than twenty-seven years, and has always given the institution the benefit of his ripe experience, great executive ability and well known liberality; therefore, be it

Resolved, That the Senate of Texas extend to Col. Brackenridge expressions of our most sincere appreciation and thanks.

Resolved, That we express our most earnest hope that he may yet be spared many years of usefulness to his State and friends, to enjoy the fruits of his labor well performed.

Resolved, That a copy of these resolutions be spread upon the Journal of the Senate and a copy be sent by the Secretary of the Senate to Col. Brackenridge.

JOHNSON,
MEACHUM,
PEELER.

The resolution was read and adopted.

SPECIAL COMMITTEE REPORT.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Special Committee appointed to attend to the hanging of the painting of ex-Lieutenant Governor Barnett Gibbs, beg leave to report that we have attended to that duty, and have hung said picture on the north wall of the Senate Chamber.

RATLIFF,
M'NEALUS,
LATTIMORE.

On motion of Senator Cofer, the above report was adopted.

SENATE BILL NO. 312.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

Senate bill No. 312, A bill to be entitled "An Act to amend Section 4 of Chapter 86 of the Acts of the Twenty-eighth Legislature, relating to wolves and other wild animals, and providing for the destruction thereof, as amended by the Thirty-first Legislature; taking Bosque county from under the provisions of this law, and declaring an emergency."

The committee report, which pro-

vided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Mayfield, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	Watson.
Meachum.	Weinert.
Murray.	

Absent.

Hume.	Terrell, McLennan.
Kauffman.	Willacy.

The bill was read third time, and passed by the following vote:

Yeas—29.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Hume.	Vaughan.
Johnson.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
McNealus.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Kauffman.	Terrell, McLennan.
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Senator Mayfield moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 220.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

Senate bill No. 220, A bill to be entitled "An Act to amend An Act of the Thirty-first Legislature, passed at the Regular Session, being Chapter 23, and an Act of the Thirty-first Legislature at its Regular Session, being Chapter 80, and entitled An Act to amend Section 61 of Chapter 102 of the Acts of the Regular Session of the Twenty-sixth Legislature, entitled An Act to promote agriculture and stock raising and to prohibit the hunting with firearms and dogs upon the enclosed lands of another in all counties within this State, not specifically named as exempt from the provisions of this Act, as amended by the Twenty-sixth Legislature and as amended by 71a, General Laws of the Twenty-ninth Legislature, to provide penalties and with an emergency clause relating to agriculture and stock raising, so as to place Atascosa, Caldwell, Coke, Coryell, Hamilton, Wells, San Saba and Walker counties under the operation of such law, and declaring an emergency."

The bill having been read,

Senator Adams offered the following amendment, which was read and adopted.

Amend the bill, page 2, line 3, by striking out the words "and Wilson," and insert the word "and" after the word "San Jacinto," in line 2, and amend the bill by adding the word "Wilson," after the word "San Saba," in line 6, page 2.

Senator Johnson offered the following amendment, which was read and adopted.

Amend by inserting the word "Archer" before the word "Atascosa" wherever it appears in the bill.

Bill read second time, and ordered engrossed.

On motion of Senator Adams, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—30.

Adams.	Carter.
Astin.	Cofer.
Bryan.	Collins.

Greer.	Ratliff.
Hudspeth.	Real.
Hume.	Sturgeon.
Johnson.	Terrell, McLennan.
Lattimore.	Terrell, Wise.
Mayfield.	Townsend.
McNealus.	Vaughan.
Meachum.	Ward.
Murray.	Warren.
Paulus.	Watson.
Peeler.	Weinert.
Perkins.	Willacy.

Absent.

Kauffman.

The bill was read third time, and passed by the following vote:

Yeas—27.

Adams.	Murray.
Astin.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	Watson.
Meachum.	Willacy.

Present—Not Voting.

Collins.

Absent.

Kauffman.	Wienert.
Terrell, McLennan.	

Senator Adams moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 313.

(By Unanimous Consent.)

The Chair laid before the Senate, on third reading,

Senate bill No. 313, A bill to be entitled "An Act to amend Section 10 of Chapter 79 of the General Laws, passed by the Twenty-seventh Legislature, which said chapter was also amended by the Acts of the Thirty-first Legislature of the State of

Texas, creating a more efficient road system for Brown county, Texas, and making the county commissioners of said county ex officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners."

Senator Adams offered the following amendment:

Amend Senate bill No. 313, by adding at the end of the caption the following: "and declaring an emergency."

The amendment was adopted by the following vote:

Yeas—29.

Adams.	Peeler.
Astin.	Perkins.
Bryan.	Ratliff.
Carter.	Real.
Cofer.	Sturgeon.
Collins.	Terrell, McLennan.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Hume.	Vaughan.
Johnson.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Kauffman.	McNealus.
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The bill was read third time and passed by the following vote:

Yeas—29.

Adams.	Peeler.
Astin.	Perkins.
Bryan.	Ratliff.
Carter.	Real.
Cofer.	Sturgeon.
Collins.	Terrell, McLennan.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Hume.	Vaughan.
Johnson.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Kauffman.	McNealus.
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Senator Adams moved to recon-

sider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 323.

(By Unanimous Consent.)

The Chair laid before the Senate on second reading,

House bill No. 323, A bill to be entitled "An Act to authorize the county commissioners' court of Bexar county Texas, to levy a special road tax of ten cents on the one hundred dollars valuation in addition to the regular road taxes now authorized by law, for the purpose of building good roads and extending, improving and repairing the roads in said county, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Real, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Adams.	Peeler.
Astin.	Perkins.
Bryan.	Ratliff.
Carter.	Real.
Cofer.	Sturgeon.
Collins.	Terrell, McLennan.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Hume. Kauffman.

The bill was read third time and passed by the following vote:

Yeas—29.

Adams.	Cofer.
Astin.	Collins.
Bryan.	Greer.
Carter.	Hudspeth.

Johnson.	Sturgeon.
Lattimore.	Terrell, McLennan.
Mayfield.	Terrell, Wise.
McNealus.	Townsend.
Meachum.	Vaughan.
Murray.	Ward.
Paulus.	Warren.
Peeler.	Watson.
Perkins.	Weinert.
Ratliff.	Willacy.
Real.	

Absent.

Hume. Kauffman.

Senator Real moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 324.

(By Unanimous Consent.)

The Chair laid before the Senate on second reading,

House bill No. 324, A bill to be entitled "An Act to amend an Act passed by the Thirty-first Legislature at its Regular Session, being House bill No. 56, styled 'An Act to create a more efficient road system for Bexar county, in the State of Texas, and creating an emergency,' approved February 24, 1909, so as to provide a method for the commissioners' court to protect the roads of Bexar county from Encroachment and injury; providing penalties for a violation, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time and passed to a third reading.

On motion of Senator Real, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Adams.	Lattimore.
Astin.	Mayfield.
Bryan.	McNealus.
Carter.	Meachum.
Cofer.	Murray.
Collins.	Paulus.
Greer.	Peeler.
Hudspeth.	Perkins.
Johnson.	Ratliff.

Real.	Ward.
Sturgeon.	Warren.
Terrell, McLennan.	Watson.
Terrell, Wise.	Weinert.
Townsend.	Willacy.
Vaughan.	

Absent.

Hume.	Kauffman.
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The bill was read third time and passed by the following vote:

Yeas—27.

Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Adams.	Kauffman.
Hume.	Terrell, McLennan.

Senator Real moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

BILL WITHDRAWN FROM PRINTER.

I move that Senate bill No. 319 be withdrawn from the printer, it being a local independent school district bill.

JOHNSON.

The above motion was adopted.

SENATE BILL NO. 316.

(By Unanimous Consent.)

The Chair laid before the Senate on second reading,

Senate bill No. 316, A bill to be entitled "An Act to amend Article 4785a, of Chapter 6, of Title 97, of the Revised Civil Statutes of 1895 of the State of Texas, so as to take the county of Goliad out of the counties which are exempted by this Ar-

ticle from the provisions of said chapter, which chapter provides for the appointment of road superintendents, so as to bring Goliad county under the provisions of said charter."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time, and ordered engrossed.

SENATE BILL NO. 310.

(By Unanimous Consent.)

The Chair laid before the Senate on second reading,

Senate bill No. 310, A bill to be entitled "An Act to reorganize the Twenty-eighth Judicial District of the State of Texas, to fix the times for holding the terms of district court therein; to make all process heretofore issued as well as all bonds and recognizances heretofore entered into conform thereto; and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Astin.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Lattimore.	Warren.
Mayfield.	Watson.
McNealus.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Adams.	Terrell, McLennan.
Kauffman.	Ward.

The bill was read third time and passed by the following vote:

Yeas—25.

Astin.	Peeler.
Bryan.	Ratliff.
Carter.	Real.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Greer.	Townsend.
Hudspeth.	Vaughan.
Johnson.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Present—Not Voting.

Hume.

Absent.

Adams.	Perkins.
Kauffman.	Terrell, McLennan.
McNealus.	

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 507.

(By Unanimous Consent.)

The Chair laid before the Senate on third reading,

House bill No. 507, A bill to be entitled "An Act to create a more efficient road system for Brazos county, Texas."

The bill was read third time and passed by the following vote:

Yeas—26.

Astin.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Lattimore.	Warren.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Adams.	Terrell, McLennan.
Kauffman.	Ward.
McNealus.	

Senator Astin moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

SENATE BILL NO. 305.

(By Unanimous Consent.)

The Chair laid before the Senate on second reading,

Senate bill No. 305, A bill to be entitled "An Act to amend Section 14 of Chapter 5 of the special laws of the State of Texas, passed by the Regular Session of the Twenty-ninth Legislature, to provide that each county commissioner shall be ex officio road commissioner for his district, prescribing his duties and compensation, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Senator Warren offered the following amendment, which was read and adopted:

Amend the caption of the bill by inserting therein after the words "Twenty-ninth Legislature" the following language: "being an Act creating a more efficient road system for Kaufman county, Texas."

Bill read second time, and was ordered engrossed.

On motion of Senator Warren, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Astin.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Lattimore.	Warren.
Mayfield.	Watson.
McNealus.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Adams.	Terrell, McLennan.
Kauffman.	Ward.

The bill was read third time and passed by the following vote:

Yeas—25.

Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, Wise.
Johnson.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Warren.
McNealus.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Adams.	Kauffman.
Astin.	Terrell, McLennan.
Hume.	Ward.

Senator Warren moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 526.

(By Unanimous Consent.)

On motion of Senator Collins the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

Yeas—27.

Astin.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Lattimore.	Warren.
Mayfield.	Watson.
McNealus.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Adams.	Terrell, McLennan.
Kauffman.	Ward.

On motion of Senator Collins, the Senate rule requiring committee reports to lie for one day was suspended,

for the purpose of considering this bill (see Appendix for committee report).

On motion of Senator Collins, the committee report, which provided that the bill be not printed, was adopted.

The chair laid before the Senate on second reading,

House bill No. 526, charter bill for Port Arthur (see House message for full caption).

Bill read second time, and passed to a third reading.

On motion of Senator Collins, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Adams.	Paulus.
Astin.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Bryan.	Terrell, McLennan.
Kauffman.	

The bill was read third time and passed by the following vote:

Yeas—27.

Astin.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Adams.	Kauffman.
Bryan.	Terrell, McLennan.

Senator Collins moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 11.

Senator Sturgeon here called up Senate bill No. 11, which was on the table subject to call.

The Chair laid before the Senate on second reading,

Senate bill No. 11, A bill to be entitled "An Act to provide for completing the work of revising, digesting, annotating, indexing, printing and publishing the civil and criminal laws of the State of Texas, making an appropriation, and declaring an emergency."

Senator Astin offered the following amendment, which was read and adopted:

Amend the bill, page 2, line 6, by adding after the word "constitutions" the following: "and provided further that the report of the codification commission together with the reports of the joint sub committee appointed by the House and Senate upon the subject of the codification of the Statutes shall be printed and published upon the fly leaf of said volume or volumes so to be published."

Bill read second time, and ordered engrossed.

On motion of Senator Sturgeon, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Paulus.
Astin.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Sturgeon.
Greer.	Townsend.
Hudspeth.	Vaughan.
Johnson.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
McNealus.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Bryan.	Real.
Hume.	Terrell, McLennan.
Kauffman.	Terrell, Wise.

The bill was read third time and passed by the following vote:

Yeas—23.

Adams.	Paulus.
Astin.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Greer.	Sturgeon.
Hudspeth.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Bryan.	Real.
Collins.	Terrell, McLennan.
Hume.	Terrell, Wise.
Kauffman.	Watson.

Senator Sturgeon moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

REFUSE TO TAKE UP BILL.

Action here recurred on the motion by Senator Murray to suspend the pending business (Senate bill No. 163), for the purpose of taking up Senate bill No. 111, for the purpose of making the bill a special order for next Monday morning.

Senator Collins moved, as a substitute, that the pending order of business (Senate bill No. 163) be suspended, and the Senate take up, out of its order, Senate bill No. 1, for the purpose of making the bill a special order for next Monday morning.

Senator Weinert moved to table the substitute motion, which motion was lost by the following vote:

Yeas—13.

Adams.	Paulus.
Astin.	Peeler.
Hudspeth.	Terrell, McLennan.
Hume.	Watson.
Kauffman.	Weinert.
Meachum.	Willacy.
Murray.	

Nays—16.

Carter.	Greer.
Cofer.	Johnson.
Collins.	Lattimore.

Mayfield.	Terrell, Wise.
McNealus.	Townsend.
Perkins.	Vaughan.
Ratliff.	Ward.
Sturgeon.	Warren.

Absent.

Bryan. Real.

Action then recurred on the substitute motion, and the same was adopted by the following vote:

Yeas—16.

Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Johnson.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
McNealus.	Warren.

Nays 13.

Adams.	Paulus.
Astin.	Peeler.
Hudspeth.	Terrell, McLennan.
Hume.	Watson.
Kauffman.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Bryan. Real.

(Senator Meachum in the chair.)

The motion, as substituted, was lost by the following vote, a two-thirds vote being necessary:

Yeas—16.

Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Johnson.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
McNealus.	Warren.

Nays 13.

Adams.	Paulus.
Astin.	Peeler.
Hudspeth.	Terrell, McLennan.
Hume.	Watson.
Kauffman.	Weinert.
Meachum.	Willacy.
Murray.	

Absent

Bryan. Real.

SENATE BILL NO. 33.

(By Unanimous Consent.)

The Chair laid before the Senate on second reading,

Senate bill No. 33, A bill to be entitled "An Act to provide for prospecting for mineral on land owned by the State of Texas, of the public free school fund and on such land as the State has heretofore or may hereafter sell with the reservation of the mineral therein; also to provide for the prospect and sale of mineral bearing land including the minerals and the sale of the minerals in such land as has heretofore or may hereafter be sold with the reservation of minerals therein; providing penalties for the violation of this Act, and repealing Chapter 71, Revised Civil Statutes of 1895, and Chapter 99, passed at the Regular Session of the Twenty-ninth Legislature, approved April 13, 1905, and declaring an emergency."

Senator Hudspeth offered the following amendment, which was read and adopted:

Amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. Any person or association of persons, corporate or otherwise, desiring to obtain the right to prospect for and develop oil, petroleum or natural gas that may be in any public free school land which may be unsold at the time such desire is made known, as herein provided, or in any of the public free school land which has heretofore been sold with the reservation of the minerals therein to the public free school fund, and such of said land as has heretofore been purchased with the relinquishment of the minerals therein by the purchaser, or in any of said lands which may hereafter be sold with the reservation of the minerals therein to the public free school fund; also in any of the fresh water lakes owned by the State or public free school fund, and also in any of the islands, lakes and bays within tide water limits, along the gulf coast of this State, may do so under the regulations, terms and conditions of this Act, together with such rules as may be adopted by the Com-

missioner of the General Land Office, not inconsistent with the provisions herein.

Sec. 2. One desiring to obtain the right to prospect for and develop oil, petroleum and natural gas that may be in any of the surveyed public free school land, as defined in the preceding section, shall first file with the clerk of the county in which the land or a portion thereof is situated, or with the clerk of the county to which such county may be attached for judicial purposes, a separate application in writing for each tract applied for, designating by metes and bounds the land in which he desires to acquire the aforesaid rights and which shall be in tracts of forty acres or multiples thereof, but not to exceed four sections of 640 acres each, more or less. Provided, the right in a whole tract or less than forty acres may be acquired in the same manner as is herein provided for larger tracts. The lines of all tracts less than the whole survey shall conform to the exterior lines of the whole survey, as nearly as practicable. The said clerk shall file and record the application aforesaid, and not the same on his register of school land surveys, opposite the section or sections affected, and shall at once forward the same to the Commissioner of the General Land Office, together with one dollar as filing fee, which fee shall be paid by the applicant.

Sec. 3. One desiring to obtain the right to prospect for and develop oil, petroleum and natural gas in any of the State's islands, lakes and bays, within tide-water limits along the gulf coast of this State, or in any of the fresh water lakes owned by the State or in any of the unsurveyed public free school land, shall first file a separate written application for each tract with the county surveyor of the county in which the land or water, or both, or a part of same are located, or of the county to which such county may be attached for surveying purposes, giving a general designation of same by metes and bounds. The surveyor shall immediately file and record same, giving the time of such filing, and within ninety days thereafter he shall survey and return to the General Land Office the field notes and original application, together with one dollar as a filing fee, which fee shall be paid by the applicant. Locations and surveys under

this section shall be in forty acre tracts, or some multiple thereof, not to exceed 640 acres. Unsurveyed tracts of less than 40 acres may be located in the same manner as is herein provided for larger tracts. All locations and surveys under this section shall, when practicable, be in the form of a square or rectangle, but in every case the lines adjacent to other surveys shall conform to the courses of the lines of such adjacent surveys.

Sec. 4. When the Commissioner receives an application from the county clerk or county surveyor, together with the filing fee of one dollar, he shall file same, and if upon examination said papers are found to be correct and in compliance with this Act, and if the status of the land and the oil, petroleum or natural gas are within the provisions of this Act, the applicant shall be entitled to the right to prospect for and develop the oil, petroleum and natural gas that may be in the land embraced in the application for surveyed land, or that embraced in the field notes of the unsurveyed land or water, as the case may be, and as evidence of such right the said Commissioner shall issue to such applicant a permit after the applicant shall have complied with the conditions hereinafter imposed.

Sec. 5. Before the issuance of the permit provided for in the preceding section, the applicant shall pay to the Commissioner of the General Land Office ten cents per acre for each acre embraced in the location. Thereupon a permit shall be issued for the exclusive rights to prospect for and develop oil, petroleum and natural gas, during a term not to exceed two years, upon the designated tract of land. Upon the termination of the period for which the original permit was granted, and the receipt of satisfactory evidence of the compliance with the conditions prescribed in Section 6 of this Act, when such compliance shall not have led to the discovery of oil, petroleum or gas in commercial quantities during the two years covered by such original permit, then the Commissioner of the General Land Office shall grant an extension of the permit for one year, upon the payment by the applicant or his successors in interest, of an additional fee of one dollar per acre. No extension, however, shall be granted un-

less satisfactory proof of the development of such claim has been duly submitted, as set forth in Section 6 of this Act.

Sec. 6. Before the expiration of six months from the date of the permit, the holder or owner of the permit shall commence actual work leading to the physical development of said claim, and on or before ten days after the expiration of twelve months from the date of the permit said holder shall file in the General Land Office his sworn statement, supported by two disinterested credible witnesses, that such actual work was begun within the six months period, dating from the date of the permit, and that oil or gas has been discovered, or at least one thousand dollars has been expended in drilling or in the purchase and installation of machinery, the installation of water supply, or other work necessary and precedent to, and valuable for, and leading up to the discovery of oil, petroleum or natural gas, and that a continuous and bona fide effort to develop said minerals has been made during the six months preceding the filing of said statement. The principal affiant shall cause the affidavit to be published in some newspaper published nearest the location of said claim. During the second year of this permit the holder thereof shall be required to expend not less than three thousand dollars in the physical development of such claim, in the manner specified herein for the first year, and the holder shall file with the Commissioner of the General Land Office a sworn statement, supported by two disinterested, credible witnesses, that such expenditure was made. The failure to file the sworn statement herein provided for, and within the time specified, or the filing of a statement untrue or false, or the failure to expend the amount of money named for each year in a bona fide effort towards development of the claim or claims, shall work an immediate revocation of the permit and the termination of the rights of the owner under this Act, and the land shall be again subject to location by another. The principal affiant shall cause the affidavit to be published in some newspaper published nearest to the location of said claim or claims. Provided, the expenditure herein required shall be construed to be a minimum expendi-

ture for each one section or less held by one person, association of persons, corporate or otherwise, and such expenditure may be made upon any one or more tracts for which a permit or permits may have been granted during the two years commencing with the date of the first permit not exceeding four sections. An assignment by sale, mortgage, or other form of transfer may be made to any person, association of persons, corporate or otherwise, qualified to acquire a permit, and such assignment shall be filed in the General Land Office within thirty days after such assignment when accompanied by a filing fee of one dollar.

Sec. 7. At any time after the granting a prospector's permit or its extension, and before its expiration or cancellation, or the expiration or cancellation of its extension, and before the filing in the General Land Office by the applicant or his successors in interest, of satisfactory proof of the discovery of oil, petroleum or gas in commercial quantities, which filing must be made within thirty days after actual discovery, the owner of the permit shall have a preferential right to lease the land included in the permit under the following conditions:

(a) The lease shall be granted for a period of fifteen years, or such portion thereof as the lessee shall elect, with the option of a renewal and renewals for equal or shorter periods.

(b) Application and the first payment for a lease for the land applied for shall be made within sixty days after the filing of proof of discovery.

(c) A cash rental or two dollars and fifty cents per acre per annum on all lands included in the lease shall be paid annually in advance during the term of the lease, and in addition thereto a royalty of six per cent of the gross receipts for the sale of the oil, petroleum or natural gas derived from the development of said minerals in unsold land shall be paid semi-annually to the Commissioner of the General Land Office, dates of payment to be fixed by the said Commissioner and paid by the lessee on the basis of sworn statements of the amount of those receipts submitted by him in dates of payment, as indicated by the Commissioner of the General Land Office; but the books and accounts

shall be open to examination and inspection at all times by the said Commissioner or his representative. And said royalties shall become a prior lien upon all productions of oil, petroleum or natural gas from said lease; provided, the annual rental provided for shall be a credit on the royalty due and shall be deducted therefrom so long as the royalty is greater in amount than the rental; otherwise the rental shall be paid in lieu of royalty.

(d) In the event any land included within the operation of this Act has been heretofore or may hereafter be sold by the State, with a reservation of the mineral therein to the public free school fund, or has been purchased by one with a waiver of such one's rights to the mineral therein, such land shall be subject to prospect and leasing as set forth in this Act; but the owner of the lease shall pay to the State the two dollars and fifty cents per acre per annum, as provided in the preceding subdivision of this section, and three per cent only of the gross receipts for the sale of the oil, petroleum or natural gas, and such owner of the lease shall also pay to the owner of the surface of the land three per cent of the gross receipts for the sale of the said oil, petroleum or natural gas, and in the same manner as is provided for payments to the State in the preceding subdivisions of this section, which shall be in compensation for rights of ingress and egress and for damages done to such surface owner.

Sec. 8. One desiring to obtain a lease on surveyed land before obtaining a permit may do so by applying directly to the Land Commissioner and complying with conditions as herein provided for leases.

Sec. 9. That no person or association of persons, corporate or otherwise, shall hold more than four sections under leases or prospecting permits, at one time, and the Commissioner of the General Land Office shall refuse to grant a permit or a lease to an individual who is financially interested, or to an association of individuals, or to a corporation, any of whose members or stockholders are financially interested, individually or otherwise, in permits or leases in force which together aggregate more than four sections.

Sec. 10. That a person or an association of persons, corporate or

otherwise, applying for a lease or prospecting permit shall file with the application a sworn statement of all interests held by each of the individuals concerned at the date of the application in oil or gas lands, prospecting permits, or leases, and thereupon the Commissioner being satisfied the applicant or applicants are entitled thereto shall issue the lease or permit.

Sec. 11. Such of the hereinafter named minerals as may be in the lands or water as are included in Section 1 of this Act shall be subject to prospect and development upon the conditions hereinafter imposed.

Sec. 12. A mining claim upon veins or lodes or quartz or other rocks in place bearing silver, gold, cinnabar, lead, tin, copper, antimony, bismuth, zinc, vanadium, molybdenum, uranium, manganese and other valuable metals, may equal but shall not exceed one thousand five hundred feet along the vein or lode. No such claim shall exceed twenty-one acres in total area. The end lines of each claim shall be parallel to each other, and all claims shall be in the form of a parallelogram or square, unless such form is prevented by adjoining rights or boundaries of the section in which the claim lies. The locator of these minerals shall be entitled to the use of all the superficial area between the enclosing lines of the claim, and to all minerals thereon and between the side and end lines, extending downward vertically, until the rights secured by posting are forfeited as provided, and in all conflicts priority of location shall decide. Mineral claims on deposits of alum, asphaltum, soda, sulphur, kaolin, fire clay, borax beds, auriferous cement, auriferous gravel, clay, marble, mica, slate, gypsum, phosphate, guano, and deposits containing precious stones or gems which do not occur in veins, building stone, coal, iron, ore, other valuable minerals which cannot be traced as veins on the surface, and stone valuable chiefly for building purposes, may be located in any of the lands included in Section 1 of this Act, in quantities of 40 acres or multiple thereof, not exceeding one section of 640 acres, more or less, and in the same manner and upon the same terms and conditions as is herein provided for the location of claims for silver and other precious metals;

provided, claims less than a whole survey, or less than an entire unsurveyed tract, shall conform to the lines of the entire survey or adjacent surveys when practicable.

Sec. 13. The locators of any mining claim shall post up at the center of one of the end lines of the same a written notice, stating the name of the claim and date of posting, and describe the claim by giving the number of feet or varas in length and width, and the direction the claim lies in length from the notice, together with the section, if known, and the county, and shall place stone monuments three feet high at the four corners and otherwise describe the corners so that they can be readily found. The notice shall be placed in a conspicuous place so it can be readily seen.

Sec. 14. The locator shall, within three months after the date of posting the required notice, sink a shaft at least ten feet in depth by four feet square, or a tunnel of the same dimensions ten feet in length, or an open cross-cut twenty feet in length, four feet or more wide, and ten feet in depth at its shallowest part, and shall within said time file with the county surveyor or the proper county surveyor an application in writing for the survey of the claim, which application shall be accompanied by a fee of twenty dollars, unless its tender is waived; and also with an affidavit attached thereto that the required work has been done, and that the locators have found valuable minerals on the claim, stating the kind, and the affidavit shall state the date of the first posting of the notice on the claim by the applicants, and further, that the notice has not been post dated, or changed in its date. Upon receiving said application and fee the surveyor shall record the application, together with the affidavit, and he shall thereupon forthwith proceed to survey said claim, and forward the application and field notes to the Commissioner of the General Land Office within ninety days after filing the application, in default of which he shall pay the aggrieved party such damages as he may sustain, and in addition thereto shall be deemed guilty of a misdemeanor, and on conviction fined not less than twenty dollars nor more than one hundred dollars, and it shall be the duty of the applicants to see that the field notes

are so returned. The fee of twenty dollars shall cover all the services provided for in this section. In all other cases enumerated in this Act the fee shall be the same allowed county clerks for similar services.

Sec. 15. Annually, for a period of two years, after the filing of the application for a survey as hereinbefore provided, the claimant shall do one hundred dollars' worth of work in developing each claim; but where claims adjoin, the amount of work may be done on one for all belonging to the same party. The value of such shall be estimated at which it could be contracted for at a fair cash price, but the cost of tools and implements and the expense of going to and returning from the mine shall not be included in said estimate. Within thirty days after the expiration of each year the owner shall make and file with the surveyor his affidavit setting forth specifically what the work consists of in detail, and the value thereof, and the surveyor shall record same and forward it to the Land Office at once. Within two years from the date of the filing of the application for a survey, the owner of the mineral claim shall pay to the State, for the use and benefit of the school fund, one dollar per acre for each claim, and annually after the expiration of the said two years the owner shall pay a like amount; and in default of such payment the rights of the owners shall immediately terminate. In the event the land upon which any such mineral claim shall be located has heretofore been sold, with reservation of the minerals therein to the public free school fund, or purchased with the waiver of the purchaser's rights to the minerals, the owner of such claim shall pay to the owner of the surface within said two years, and annually thereafter, the sum of five cents per acre, which sum shall be compensation for the rights of ingress and egress and for damages done to such owner of the surface. Upon the failure of any one of several owners to contribute his proportion of the expenditures required in this section within the necessary time, the co-owners who have performed the labor or made the improvements or paid the fees or other expenditures required in this section, may at the expiration of the time in which the same is to be done, give notice in writing or notice by publication in a newspa-

per published in the county where the claim is, if any, if none in such county, then in a newspaper published nearest the mine, for at least once a week for ninety days. If after such personal notice in writing or by publication such delinquent shall fail or refuse to contribute his proportion of the expenditures required by this section, his interest in the claim shall become the property of his co-workers, who have made the required expenditures. An affidavit by the co-workers forfeiting the interest of such delinquent shall, when recorded in the office of the proper surveyor, be sufficient evidence of such delinquency.

Sec. 16. Should the holder of a permit or the owner of a mineral claim of whatsoever kind, acquired under any of the provisions of this Act, fail or refuse to comply with the provisions herein of whatsoever kind, such failure or refusal shall ipso facto operate as an immediate revocation of the permit and all rights thereunder, and shall operate as an immediate termination of all interest of the owner in and to the mineral claim and all rights thereunder, and the same shall be again subject to the provisions of this Act by another as in the first instance, provided, if the default is the failure to make the payment of the lease money, rental royalty, the owner may have his rights and interest restored by making such payment before the rights of another intervene.

Sec. 17. The holder of lease, prospecting permit or other claim on land or minerals acquired under this Act may relinquish same at any time by filing a relinquishment in the General Land Office; but such holder shall not be entitled to a refund or any payment made thereon.

Sec. 18. All money derived by the State under this Act, except that stated to be fees, shall be credited to the permanent free school fund.

Sec. 19. The rights acquired under this Act shall be subject to taxation as is other property.

Sec. 20. The issuance of a permit or granting of a lease for, or the location of, a mineral or mining claim, and prospecting, working or operating thereunder, on land included within the operation of this Act not sold at the time of the filing of an application for prospect or lease, shall not prevent the sale of the tract of land (not including minerals) on which such mineral or mining claim may be located, under

the laws applicable to such sales, but in case of such sale, after an application has been filed with the county clerk of the county surveyor, the purchaser of such land shall not have or be entitled to any part of the proceeds of such mineral or mining location, nor shall such purchaser have any action for damages done such land by or resulting from the proper working or operation of such mineral or mining claim.

Sec. 21. Title 71 of the Revised Civil Statutes of 1895, relating to mines and mining, and Chapter 99, Act of April 15, 1905, relating to the sale of mineral lands, are hereby repealed.

Sec. 22. The fact that there is no adequate statute by which the mineral resources of this State can be prospected and developed, creates an emergency and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days in each house should be suspended and that this bill should be put upon its third reading and final passage and take effect from and after its passage; and it is so enacted.

Senator Hudspeth offered the following amendment, which was read and adopted:

Amend the bill by striking out all of the caption after the words "A bill to be entitled," and insert in lieu thereof the following:

"An Act to provide for the prospecting for and development of the minerals in the unsold public free school land, and the minerals in such of said lands as may have been heretofore and that may hereafter be sold with the mineral reservations to the public free school fund, and such of said land as may have been purchased with the waiver of the mineral rights, and also the prospecting for and development of minerals in fresh water lakes and the minerals in the islands, lakes and bays within the tide-water limits, along the gulf coast of this State, and the leasing of said land for mineral development purposes, and appropriating to certain funds the proceeds arising from such mineral development; repealing Title 71 of the Revised Civil Statutes of 1895, and Chapter 99, approved April 15, 1905, and declaring an emergency."

Senator Warren offered the following amendment, which was read and adopted:

Amend the bill by inserting in line 23, page 9, after the word "claim," the following language: "except on cinnabar and coal lands, for which five dollars per acre shall be paid."

Bill read second time, and ordered engrossed.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Murray.
Astin.	Peeler.
Carter.	Perkins.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Hume.	Vaughan.
Johnson.	Ward.
Kauffman.	Warren.
Lattimore.	Watson.
Mayfield.	Weinert.
McNealus.	Willacy.
Meachum.	

Absent.

Bryan.	Ratliff.
Paulus.	Terrell, McLennan

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Meachum.
Astin.	Murray.
Carter.	Paulus.
Cofer.	Peeler.
Collins.	Perkins.
Greer.	Real.
Hudspeth.	Terrell, Wise.
Hume.	Vaughan.
Johnson.	Ward.
Kauffman.	Warren.
Lattimore.	Watson.
Mayfield.	Weinert.
McNealus.	Willacy.

Nays—2.

Sturgeon.	Townsend.
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Absent.

Bryan.	Terrell, McLennan.
Ratliff.	

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 322.

(By Unanimous Consent.)

On motion of Senator Murray, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate, on second reading,

Senate bill No. 322, A bill to be entitled "An Act to authorize Aransas county, in compliance with the provisions of Chapter 134 of the General Laws of the Thirtieth Legislature, approved April 18, 1907, to build a causeway and to erect a drawbridge across the waters of Aransas Bay, between the southern end of Lamar peninsula, at or near the old town of Lamar, in said county, and the northern end of Live Oak peninsula, also in said county, for the purpose of connecting the public road system of said county between Lamar and Live Oak Peninsulas, and to authorize the issuance of county bonds, under the provisions of said Chapter 134 of the General Laws of the Thirtieth Legislature, for the construction of said causeway and bridge, and for the construction and maintenance of a public highway along and upon same between such points."

The bill was read second time, and ordered engrossed.

SENATE BILL NO. 35.

(By Unanimous Consent.)

The Chair, Senator Meachum, laid before the Senate on second reading,

Senate bill No. 35, A bill to be entitled "An Act to require the attendance of all boys and girls between the ages of seven years and seventeen, upon the public schools or some private school, for at least eighty days each school year, requiring parents or guardians to make monthly reports to the teachers, showing the cause of the absence of their children or wards, and making it a misdemeanor

for any parent or guardian to fail to require their children of the lawful age to attend the required time, if not hindered by some cause unavoidable to such parent or guardian, making it a misdemeanor for a parent or guardian to fail to report the cause or absence of such children, when it occurs, and repealing all laws in conflict herewith."

There being an adverse majority committee report, and a favorable minority committee report, Senator Collins moved to adopt the minority committee report.

Senator Watson moved, as a substitute, to adopt the majority committee report.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives.
Austin, Texas, Feb. 28, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate for a Free Conference Committee on Senate bill No. 31. The following have been appointed on part of the House:

Turney, Elliott, Robertson of Bell, Cureton and Williams of McLennan.

Respectfully,

BOB BARKER.

Chief Clerk, House of Representatives

BILLS SIGNED.

The Chair, Lieutenant Governor Davidson, gave notice of signing and did sign, in the presence of the Senate, after their captions had been read, the following bills:

House bill No. 397, A bill to be entitled "An Act to create a more efficient road system for Bosque county, Texas, and declaring an emergency."

House bill No. 256, A bill to be entitled "An Act to create a more efficient road system for Live Oak county, Texas."

House bill No. 396, A bill to be entitled "An Act to create a more efficient road system for Gregg county, making the county commissioners ex officio road commissioners; providing for compensation for county, commissioners when acting as road commissioners in said Gregg county, Texas, and declaring an emergency."

House bill No. 384, A bill to be entitled "An Act to amend Chapter 18 of the Special Laws of the State of Texas, passed at the Regular and

First Called Sessions of the Twentieth Legislature, by amending Sections 10 and 11 of said Act, and declaring an emergency."

House bill No. 2, A bill to be entitled "An Act to amend Section 1 of Chapter 57 of the Acts of the Thirtieth Legislature entitled 'An Act to amend Sections 1, 12 and Section 20 of Chapter 128 of the Acts of the Twenty-sixth Legislature, entitled 'An Act providing the mode by which horses, mules, jacks, jennets and cattle may be prevented from running at large in certain counties, or in any subdivision of the said counties, so that when an election under said law shall be in favor of the stock law, that the certificate thereto shall be prima facie evidence of a compliance with the law to put same in force; also to provide for the punishment of any one violating the provisions of said Act,' and adding thereto Section 20a and Section 20b, and declaring an emergency,' so as to place Brewster County under the provision of said chapter, and declaring an emergency."

House bill No. 317, A bill to be entitled "An Act to amend the city charter of the city of Greenville, granted by the Thirtieth Legislature, being Chapter 25 of the Local and Special Laws thereof and the Acts of the Thirty-first Legislature, amendatory of said charter, by adding Section 9a to Article 2, Section 6 to Article 8, and Section 15a to Article 10 thereof; and by amending the following sections: Section 1 of Article 5, Section 9 of Article 6, Section 13a and 15 of Article 10 thereof; to repeal all laws in conflict herewith, and declaring an emergency."

(Signed by President Pro Tem. Hudspeth.)

House bill No. 430, A bill to be entitled "An Act to amend Chapter 58, being the special road law for Bastrop county as passed by the Thirty-first Legislature, Special Laws, being Section 1 to 16, inclusive, by adding thereto Sections 12a, 12b, 12c, 12d, 12e, 12f, 12g and 12h, so as to authorize any political subdivision or said county to issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real and personal property of said political subdivision, and to levy and collect such taxes to pay the

interest upon such bonds and provide a sinking fund for the redemption of the same, for the purpose of constructing, maintaining and operating macadamized, graveled, paved or such other kinds of public roads or bridges as may seem best to the commissioners court of said county, and declaring an emergency."

House bill No. 269, A bill to be entitled "An Act to create a more efficient road law for Cherokee county, Texas."

House bill No. 427, A bill to be entitled "An Act to create the Golden Rule Independent School District, situated in Grayson county, Texas; describing the same by metes and bounds; prescribing the rights, duties, powers and privileges of said school district, and declaring an emergency."

House bill No. 377, A bill to be entitled "An Act to ratify and confirm an ordinance passed by the Board of City Commissioners of the City of Galveston, on the 19th day of January, 1911, vacating that portion of Eighth street between Avenue A and B in the city of Galveston, to be used for hospital purposes as a part of the John Sealy Hospital, and closing that portion of Eighth street as a public street, and declaring an emergency."

ADJOURNMENT.

Senator Greer, at 6:35 o'clock p. m., moved that the Senate adjourn until 10 o'clock tomorrow morning.

Senator Hudspeth moved that the Senate recess until 8 o'clock tonight.

Action recurred on the longest time first, and the motion to adjourn until 10 o'clock tomorrow morning was adopted by the following vote:

Yeas—14.

Adams.	Peeler.
Bryan.	Perkins.
Greer.	Real.
Hume.	Sturgeon.
Kauffman.	Terrell, McLennan.
Lattimore.	Weinert.
Paulus.	Willacy.

Nays—13.

Cofer.	Mayfield.
Collins.	McNealus.
Hudspeth.	Meachum.
Johnson.	Terrell, Wise.

Townsend.
Vaughan.
Ward.

Warren.
Watson.

Present—Not Voting.

Carter.

Absent.

Astin.
Murray.

Ratliff.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, Feb. 28, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred Senate bill No. 328, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed, but that same be printed in the Journal.

PEELER, Chairman.

That part of the committee report providing for the bill to be printed in the Journal was adopted.

(Following is the bill in full.)

Senate bill No. 328, A bill to be entitled "An Act to authorize the commissioners' court of any county in this State to levy and collect a tax not to exceed five cents (5c) on each \$100 of assessed valuation of the county for one year for the purchase and improvement of lands for county parks, and providing the manner of acquiring lands for park purposes, including the right to condemn lands for such purposes, and providing for the management and control of said county parks, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That the commissioners' court of any county in this State is hereby authorized to levy and collect a tax not to exceed five cents (5c) on each \$100 of assessed valuation of the county for one year for the purchase and improvement of lands for use as county parks.

Sec. 2. That when said commis-

sioners' court shall deem it proper to acquire lands for any county park which they have located, or desire to locate, as herein provided, and the said commissioners' court or its duly authorized agent or agents can not agree with the owner or owners of such lands as to the price and terms of the purchase thereof, or when by legal incapacity or absence of such owner or owners no agreement can be made, said commissioners' court shall have the right of eminent domain to condemn such lands as is provided by law as in the case of public roads.

Sec. 3. The county parks provided for in this Act shall not exceed four in number in any one county; and it is further provided that where the commissioners' court of any county desires to establish two or more of such county parks it shall be their duty to locate such parks in widely separated portions of the county, so as to place them as near as practical within the convenient reach of all the citizens of the county.

Sec. 4. Said commissioners' court shall have full power and control over any and all county parks, as provided for in this Act, and they shall have the right to levy and collect an annual tax sufficient in their judgment to properly maintain such parks.

Sec. 5. County parks, as contemplated by the provisions of this Act, shall consist of not less than twenty-five nor more than one hundred acres.

Sec. 6. The improvement of lands for use as county parks, as provided for in Section 1 of this Act, authorize the commissioners' court to build and construct pavilions and such other buildings as they may deem necessary.

Sec. 7. County parks established under the provisions of this Act shall remain open for the free use of the public under such reasonable rules and regulations as the commissioners' court may prescribe. But no person, firm or association of persons shall have the right to offer for sale or barter, exhibit anything or conduct any place of amusement where a fee is charged within said parks without first obtaining the consent of the commissioners' court or its duly authorized agent or agents, paying for such privilege or concession such sum as may be agreed upon by the person, firm or

association of persons and the commissioners' court or its duly authorized agent or agents, and provided further, that all revenue derived from the sale of such rights, privileges or concessions shall go into a fund for the maintenance of said parks; provided, that no tax for such purpose shall be levied and collected by any commissioners' court until the proposition has been submitted to, and approved by, a majority of the qualified tax paying voters, voting at any general or special election, held for other purposes, at which the same is submitted.

Sec. 8. The fact that there is now no law authorizing the establishment of county parks, the near approach of the end of the session and the crowded condition of the calendar, creates an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 28, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred,

House Concurrent Resolution No. 32, "Providing for the investigation and collection of certain claims of the State of Texas against the United States."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendment:

Committee Amendment: Strike out the words "Resolved, that no commission or sum of money shall be paid by the State other than the actual expenses incurred in the preparation and presentation of the claim, which shall not exceed the sum of \$2,000," and insert in lieu thereof the following:

"Resolved, That if the said E. M. Phelps should determine from the investigation that said claim is just, then that the sum of \$2,000 shall be allowed and paid to the said E. M. Phelps for preparing and presenting such claim to the Texas delegation in Congress."

PEELER, Chairman.

(Floor Report.)

Austin, Texas, Feb. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred,

House bill No. 506, A bill to be entitled "An Act to amend Section 7 of Chapter 32 of the Laws of the Regular Session of the Twenty-seventh Legislature, being an Act entitled 'An Act to create a more efficient road system for Clay county, Texas, and making the county commissioners of said county ex officio road commissioners; prescribing their duties as such; providing for their compensation as commissioners; providing for the appointment of deputy road commissioners, and defining their duties; for the working of county convicts partly on farm and partly on public roads or other public works of the county; for compensation of said convicts; offering suitable rewards for recapture of convicts, charging cost of same against said convicts in discretion of said court; providing mode of punishment of insubordination of said convicts; providing for the condemnation of any land needed for road purposes; providing for taking timber, gravel, earth, stone or other material for the improvements of the roads; providing for annual reports of road commissioners and their deputies; for contracting out work when deemed necessary; providing for penalty for violation of this Act, repealing all laws in conflict herewith.'"

Beg leave to report that we have had same under consideration, and recommend that it do pass, and be not printed.

Greer, Chairman; Weinert, Paulus, Ratliff, Johnson, Kauffman.

(Floor Report.)

Austin, Texas, Feb. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred,

House bill No. 513, A bill to be entitled "An Act to create a more efficient road system for Tyler county, Texas, and making the county commissioners of said county ex officio road commissioners, and prescribing

their duty as such, and providing for their compensation as such road commissioners, and providing for the working of county convicts upon the public roads of said county, and providing for commutation of time for good behavior and good service, and providing for a reward to be offered for the recapture of an escaped convict, and taxing said reward and all actual cost of capturing and delivery of said convict against said convict, and providing for a penalty for the escape of a county convict, and providing the amount of compensation in road time to be allowed by overseers to road hands for teams, plows, scrapers and wagons, and providing for the condemnation of land for public road purposes, and providing for the working of delinquent poll tax payers on the public roads, and relieving them from the performance of said road work by the payment of the sum of \$3.00; and providing further making this law cumulative of the General Laws, and in case of conflict this Act to govern as to Tyler county."

Beg leave to report that we have had the same under consideration, and recommend that same do pass, and be not printed.

Greer, Chairman; Weinert, Paulus, Ratliff, Johnson, Kauffman.

(Floor Report.)

Austin, Texas, Feb. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred,

House bill No. 483, A bill to be entitled "An Act to amend Section 14 of Chapter 8 of the Special Laws of the Twenty-eighth Legislature, being an Act to create a more efficient road system for Eastland county, Texas, so as to provide that county commissioners may receive greater compensation when acting as road commissioners."

Beg leave to report that we have had same under consideration, and recommend that it do pass, and be not printed.

Greer, Chairman; Weinert, Paulus, Ratliff, Johnson, Kauffman.

(Floor Report.)

Austin, Texas, Feb. 28, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred,

Senate bill No. 322, A bill to be entitled "An Act to authorize Aransas county, in compliance with provisions of Chapter 134 of the General Laws of the Thirtieth Legislature, approved April 18, 1907; to build a causeway and erect a drawbridge across the waters of Aransas Bay, between the southern end of Lamar peninsula, at or near the old town of Lamar in said county, and the northern end of Live Oak peninsula, also in said county for the purpose of connecting the public road system of said county, between Lamar and Live Oak peninsulas, and to authorize the issuance of county bonds, under the provisions of said Chapter 134 of the General Laws of the Thirtieth Legislature, for the construction of said causeway and bridge, and for the construction and maintenance of a public highway along and upon same between such points.

Beg leave to report that we have had the same under consideration, and recommend that same do pass, and be not printed.

Greer, Chairman; Ratliff, Weinert, Paulus, Perkins, Johnson.

(Floor Report.)

Austin, Texas, Feb. 28, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred,

Senate bill No. 330, A bill to be entitled "An Act to amend Section 18 of an Act entitled 'An Act to provide a more efficient public road system for the county of Montgomery,' passed by the Twenty-seventh Legislature of the State of Texas, approved April 15, 1901, prescribing the compensation of county commissioners, when acting as road commissioners in said county, and declaring an emergency."

Have had the same under consideration and beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

Greer, Chairman; Weinert, Paulus, Ratliff, Perkins, Johnson, Kauffman.

(Floor Report.)

Austin, Texas, Feb. 28, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred,

Senate bill No. 329, A bill to be entitled "An Act to amend an Act entitled 'An Act to amend Article 4785a, Chapter 6, Title 97 of the Revised Civil Statutes of the State of Texas, passed by the Twenty-seventh Legislature of said State, so as to place Walker county under the operation of the law creating the office of road superintendent, and to declare an emergency."

Have had same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

Greer, Chairman; Weinert, Paulus, Ratliff, Perkins, Johnson, Kauffman.

Committee Room.

Austin, Texas, Feb. 28, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judiciary No. 1, to whom was referred,

Senate bill No. 308, A bill to be entitled "An Act to provide for the exemption of Fannin county from the provisions of the County Auditors' Act, being Chapter 161 of the Acts of the Twenty-ninth Legislature, and amended by Chapter 168 of the Acts of the Thirtieth Legislature, and providing for the submission to a vote of the qualified voters of said county."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WARD, Chairman.

Committee Room.

Austin, Texas, Feb. 28, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judiciary No. 1, to whom was referred,

Senate bill No. 270, A bill to be entitled "An Act to provide for the furnishing of parties or their attorneys of record with copies of opinions, rendered and filed in all appellate courts of the State of Texas, without cost, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WARD, Chairman.

(Floor Report.)

Anstin, Texas, Feb. 28, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Towns and City Corporations, to whom was referred,

House bill No. 526, A bill to be entitled "An Act to incorporate the city of Port Arthur, Jefferson county, Texas, and to grant it a new charter; to provide for a commission form of government; to define its powers and to prescribe its duties and liabilities; to declare an emergency, and to repeal all Acts in conflict herewith."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

Meachum, Chairman; McNealus, Vaughan, Hume, Hudspeth, Kauffman, Perkins, Peeler, Terrell of McLennan.

(Floor Report.)

Austin, Texas, Feb. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred,

Senate bill No. 231, A bill to be entitled "An Act to create and establish the county of Kenedy, prescribing its area and boundaries, appointing commissioners to organize said county, and prescribing their duties, providing for a division of said county into commissioners' and justices' precincts, providing for holding county and precinct elections for the election of county and precinct officers, and fixing the location of the county seat of said county, providing for the attachment of said county to judicial, representative, senatorial, congressional and supreme judicial districts, providing for the assessment and collection of taxes, and for the defraying the expenses of organizing said county, and surveying and fixing its boundaries, and for the new county to pay its pro rata share of the debt of the

counties from which it is taken, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be not printed, with the following amendment:

Strike out all of Section 1 after the word "Hidalgo," in line 5, and insert the following in lieu thereof:

Beginning at a point on the line dividing said Hidalgo and Nueces counties, about north of the N. W. corner of the Grant to Pedro de la Garza, known as "Santa Rosa de Arriba," as the same was established by decree of the district court of the Twenty-sixth Judicial District for Travis county, Texas, in cause No. 18889, styled "The State of Texas vs. D. R. Fant," for the N. W. corner of this county;

Thence with said county line, about S. 88 3-4 degrees E., passing the N. E. corner of Hidalgo county, and N. W. corner of Cameron county, crossing Laguna Madre and Padre Island, about 232,000 feet (about 44 miles) to the N. E. corner of said Cameron county, and S. E. corner of said Nueces county, on the shore of Padre Island, on the Gulf of Mexico for the N. E. corner of this county;

Thence with the east shore of said Padre Island, west of south, about 240,000 feet (about 45.5 miles) to a point where the line dividing share No. 59-1 of 59,075.2 acres, in the name of F. Yturria from share No. 1 of 15,908.5 acres, in the name of H. E. Woodhouse of the partition of San Juan de Carrocitas Grant would strike said east shore of Padre Island if continued in a straight line easterly for the S. E. corner of this county;

Thence with the line last above described, about west, at about 122,000 feet the S. E. corner of said share No. 59-1, and on same course with the south line of said share No. 59-1, at about 183,000 feet a corner of said share, and the N. W. corner of said share No. 1, and on same course, at about 188,000 feet (about 35.6 miles) to a point in the line between said Camerson and Hidalgo counties, for a corner of this county;

Thence with said county line, about north, about 7,500 feet (about 1.42 miles) or a sufficient distance so that a line running about N. 80

degrees W., or parallel with the line dividing "San Salvador del Tule" in the name of J. J. Balli from "las Matenas" in the name of Vicente Hinojosa, shall strike three miles N. 10 degrees E. of the said dividing line, for a corner of this county;

Thence with the line last above described, about N. 80 degrees W., at about 5,000 feet past three miles N. 10 degrees E. of the N. E. corner of Las Mestenas, also a corner of San Salvador del Tule, and on same course, parallel with the lines dividing said two last named grants, about 41,000 feet (about 7 3-4 miles), or a sufficient distance so as to strike the west line of the Santa Rosa de Arriba Grant, as decreed by the said district court of Travis county, in the said cause No. 13889; produced southerly, for the S. W. corner of this county;

Thence with the line about north at about 168,000 feet, the S. W. corner of said Santa Rosa Grant, as so established by said decree, and continuing same course, with the west line of said Santa Rosa de Arriba Grant (which line determines the course of this line) passing its N. W. corner, and on same course about 229,000 feet (about 40.3) to the place of beginning.

Also amend by inserting after the word "Kenedy," in line 1 of the caption, the following: "out of parts of Camerson and Hidalgo counties."

Vaughan, Chairman; Willacy, Carter, Adams, Townsend.

(Floor Report.)

Austin, Texas, Feb. 27, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred,

House bill No. 94, A bill to be entitled "An Act to create and establish the county of Brooks, prescribing its area and boundaries, appointing commissioners to organize said county, and prescribing their duties, providing for a division of said county into commissioners and justices precincts, providing for holding county and precinct elections for the election of county and precinct officers, and the location of the county seat of said county, providing for the attachment of said county to judicial, representative, senatorial and congressional and supreme judicial districts, pro-

viding for the assessment and collection of taxes, and for the defraying the expenses of organizing said county, and for the new county to pay its pro rata share of the debt of the counties from which it is taken, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration and beg to report it back to the Senate with the recommendation that it do pass, with the following amendments, and be not printed:

Amend House bill No. 94, by striking out all of Section 1 and insert in lieu thereof the following:

Section 1. That a new county to be called the "County of Brooks" is hereby created, containing a superficial area of not less than nine hundred square miles, taken from the territory of the existing counties of Hidalgo, Starr and Zapata: Beginning on the southern boundary line of Nueces county at the point of intersection fixed by the northern extension of the western boundary line of the "Santa Rosa de Arriba" grant in the name of Pedro de la Garza, as said western boundary line was established by the decree of the district court of Travis county in 1904 in Cause 18,889, styled the State of Texas vs. D. R. Fant and D. Sullivan, for the northwestern and beginning corner of this county:

Thence southward in a direct line passing over the northwestern and southwestern corners of the said "Santa Rosa de Arriba" grant as established by decree of court, and with its western boundary line, thirty-three miles to a point for the southeastern corner of this county:

Thence west about thirty-five miles to the southeastern corner of the "Agua Nueva Abajo" grant in the name of Juan Manuel Ramirez; and continuing west with the southern boundary line of the said "Agua Nueva Abajo" grant and on the course of that line, passing over the southwestern corner of said grant, in all about fifty-nine and one-half miles to a point in the eastern boundary line of Zapata county, for the southwestern corner of this county:

Thence north about thirty-three miles to the southern boundary line of Webb county, for the northwestern corner of this county:

Thence east with the southern boundary line of Webb county, and with the southern boundary lines of

Duval and Nueces counties, about fifty-nine and one-half miles to the place of beginning.

Amend the caption of House bill No. 94, by adding after the word "Brooks" the following words: "out of parts of Hidalgo, Starr and Zapata counties."

Vaughan, Chairman; Willacy, Carter, Adams, Townsend.

Committee Room,

Austin, Texas, Feb. 28, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared,

Senate bill No. 187, A bill to be entitled "An Act to amend Chapter 42 of the Acts of the Thirtieth Legislature, by adding thereto, Section 2a, and declaring an emergency,"

And find the same correctly engrossed.

COFER, Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared,

Senate bill No. 168, A bill to be entitled "An Act to establish our State Correspondance School, as now endowed by Miss Cooke,"

And find the same correctly engrossed.

COFER, Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared,

Senate bill No. 196, A bill to be entitled "An Act to amend the Revised Civil Statutes of the State of Texas, adopted by the Regular Session of the Twenty-fourth Legislature, Title 58, Chapter 1, Article 3033, providing the minimum par values of shares of stock in fire insurance companies shall not be less than ten dollars per share."

And find the same correctly engrossed.

COFER, Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared,

Senate bill No. 313, A bill to be entitled "An Act to amend Section 10 of Chapter 79 of the General Laws, passed by the Twenty-seventh Legislature, which said chapter was also amended by the Act of the Thirty-first Legislature of the State of Texas, creating a more efficient road system for Brown county, Texas, and making the county commissioners of said county ex officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners."

And find the same correctly engrossed.

COFER, Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared,

Senate bill No. 221, A bill to be entitled "An Act authorizing and directing the Governor of the State of Texas to convey to the Texas District of the German Evangelical Synod of North America about three acres of land out of original survey 25 in the name of Anselmo Galvan, about five miles south of the city of San Antonio, in Bexar county, Texas; also about nine 6-10 acres of land out of survey 36 in the name of William Small, about five miles south of the city of San Antonio in Bexar county, Texas, said conveyance of land to be made upon the condition that the grantee and its assigns shall for all times use the above described property as an asylum, institution or home for the care of widows, orphans and old people, and for the erection of schools, colleges or hospitals, and upon the further condition that this property is never to be given as security for a debt, and shall never be taken for a debt, and that if grantee or its assigns should fail to so use said property, fee simple title thereto shall revert to the State of Texas."

And find the same correctly engrossed.

COFER, Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 230, A bill to be entitled "An Act to authorize the sale of portions of Harbor Island and other islands in the Red Fish Bay, Corpus Christi Bay and Aransas Bay, and certain lands under the shallow waters of Red Fish Bay, Corpus Christi Bay and Aransas Bay with certain restrictions; to authorize the building of railroads, terminal railroads, suburban railroads or interurban railroads from any point on the main land to Aransas Harbor, and to provide for the purchase by any such railroads, or by any channel and dock company or by any municipality which is now or may hereafter be connected with Aransas Harbor by a navigable channel dredged by the United States Government, and which has the right under its charter to construct, operate and maintain wharves and docks, of certain lands on Harbor Island; to provide for the conditions and terms of such purchases, and for the issuance of patents therefor; to define the rights of channel and dock companies, which have heretofore or may hereafter dredge channels from the mainland to Aransas Harbor; prohibiting the consolidation of ownership of any of the lands or frontage herein authorized to be sold and providing for the forfeiture of any such land or frontage acquired under this Act, should any consolidation be entered into; to authorize the dredging of slips, the erection of docks, piers, dry docks, ship yards, sheds, railroads, railroad tracks, approaches, terminals, sidings, depots, warehouses, and all necessary appurtenances thereto, and to provide for the disposition of the funds arising from such sales; providing for the release and quitclaim unto the State of Texas of all right, title and interest held or claimed by any channel and dock company, railway company, interurban railroad company, suburban railroad company, to any land or frontage on Harbor Island, or Aransas Harbor, before purchasing under this Act, except the land and frontage acquired under the provisions

of this Act, and declaring an emergency."

And find the same correctly engrossed.

COFER, Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 173, A bill to be entitled "An Act to require that in moving any train, locomotive or car, over any railroad track, or street railway track, toward any crossing or other place on such track, which travelers or the public have the right to use, the person or persons in charge of or entrusted with the operation of such train, locomotive or car, shall use ordinary care to keep a lookout to discover and avoid injury to persons at or using or about to use such crossing or place; and to provide that a failure on the part of the persons in charge of or entrusted with the operation of any train, locomotive or car, to use such care, shall render such person or persons, and his or their employer, the owner, lessee, operator or receiver of such railway or street railway, liable to any person injured, or in case results from such failure to use such care, then the person or persons entitled under the law to maintain an action for the death of the person killed, for all such damages as may result from the failure of such person or persons in charge or entrusted with the operation of such train, locomotive or car, to use such care as is imposed by the provisions of this Act; and to provide that contributory negligence of the person injured or killed through the failure to use such care as is imposed by the provisions of this Act, shall not be a defense against any action to recover damages for such injury or death, when by the exercise of such care as is imposed by this Act, the person or persons in charge of or entrusted with the operation of such train, locomotive or car, could have discovered the person injured or killed to be in or exposed to danger, in time by the exercise of ordinary care on their part, to have avoided killing or injuring such person."

And find the same correctly engrossed.

COFER, Chairman.

Committee Room,

Austin, Texas, Feb. 28, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 295, A bill to be entitled "An Act creating the Pleasant Grove Independent School District in Wood county, Texas, and defining its boundaries, etc., and declaring an emergency."

COFER, Chairman.

THIRTY-FOURTH DAY.

Senate Chamber,
Austin, Texas.

Wednesday, March 1, 1911.

The Senate met pursuant to adjournment, and was called to order by President Pro Tem. Hudspeth.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
McNealus.	Weinert.
Meachum.	Willacy.
Murray.	

Prayer by Rev. Dr. Bradfield.

Pending the reading of the Journal of yesterday, on motion of Senator Perkins, the same was dispensed with.

REGULAR ORDER.

The Chair called the regular order of business. (See Appendix for committee reports and petitions and memorials.)

(Lieutenant Governor Davidson in the chair.)

SIMPLE RESOLUTION.

By Senator Vaughan:

Resolved, That a committee of six, three to be selected by and from the members upon the respective sides of the question, which unfortunately divides us, to see if measures of general importance without regard to their connection or lack of connection with that question, can not be given the consideration they deserve; and an arrangement mutually satisfactory be made to give such measures such consideration; and that the Senate stand by the regular order of business on the calendar except as to measures so agreed upon and local bills.

This resolution does not revoke the resolution heretofore adopted governing at night sessions.

On motion of Senator Meachum, the resolution was laid on the table subject to call.

BILLS AND RESOLUTIONS.

By Senators Greer and Vaughan:

Senate bill No. 332, A bill to be entitled "An Act to amend Section 26 of a special Act passed at the Regular Session of the Thirtieth Legislature of the State of Texas, entitled 'An Act to incorporate the city of Tyler, in Smith county, Texas, and to define its boundaries and provide for its government, and the management of its affairs,' approved April 18, 1907, amending said Section 26 so as to provide that the aggregate amount of bonds issued by said city for all purposes authorized by law, including the bonded indebtedness of said city, existing prior to the passage of this Act, shall at no time exceed the sum of \$200,000.00, and the sum of \$50,000.00 additional, such additional sum of \$50,000.00 to be issued only for the purpose of erecting or repairing public free school buildings of said city, and in other respects re-enacting said Section 26, providing for the government of said city and the management of its affairs, authorizing the city council of said city to borrow money on the credit of the city and to issue bonds therefor and provide for their payment; prescribing the rate of interest on such bonds and for the investment of the sinking funds of the bonds of said city, for funding of the indebtedness of said city, and prescribing the powers of the city